

REMARKS/ARGUMENTS

Claim 16 has been objected. This objection should be withdrawn as the last period out of the two periods has been deleted.

Claims 11-19 and 21-22 were rejected as being obvious over Chen. This rejection is respectfully traversed.

Applicants respectfully submit that under 35 USC 103(c) Chen does not preclude the patentability of the claimed invention. Chen issued on June 22, 2004 from Application Serial No. 09/943753, filed September 4, 2001, claiming benefit from U.S. Provisional Application No. 60/230,002, filed Sep. 5, 2000. On the other hand, the pending application was filed on March 25, 2004, claiming benefit from Application Serial No. 10/207,087, filed July 30, 2002, which claims benefit from Provisional Application No. 60/372,353, filed April 10, 2002. Thus, Chen qualifies as a prior art only under 35 USC 102(e).

35 USC 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Chen and the claimed invention were, at the time the invention was made, owned by the same assignee, Seagate Technology LLC. Thus, not Chen does not preclude the patentability of the claimed invention.

Claims 11-19 and 21-22 were rejected for obviousness-type double patenting over claims 10-18 and 20 of U.S. Patent No. 6,759,149 (the '149 patent). This rejection is respectfully traversed.

The table below compares the limitations of claim 11 of the pending application with the limitations of claim 10 of the '149 patent.

Claim 11 of this application	Claim 10 of the '149 patent	Remarks
A method of manufacturing a magnetic recording medium comprising:	A method of manufacturing a magnetic recording medium comprising:	
depositing a first Co-containing	depositing a Co-containing	

layer on a substrate already coated with seedlayer and/or underlayer to promote appropriate crystallographic orientation and grain structure,	stabilization layer on a Cr-containing underlayer,	
depositing a Co layer on the first Co-containing layer,		The '149 patent claims do not disclose this limitation.
depositing a Ru layer on the Co layer and	depositing a Ru-containing layer on the Co-containing stabilization layer,	
depositing a second Co-containing layer on the Ru layer,	depositing a Co-containing recording layer on the Ru-containing layer,	
	depositing a non-magnetic interlayer on the Co-containing recording layer, and	
	depositing an additional Co-containing recording layer on the non-magnetic interlayer,	
	wherein the non-magnetic interlayer provides decoupling of the Co-containing recording layer and the additional Co-containing recording layer and the Ru-containing layer provides magnetic coupling of two adjacent layers.	
wherein the Co layer and/or the Ru layer are deposited in a gas environment comprising a moiety selected from the group consisting of Xe, Kr and combinations thereof.		The '149 patent claims do not disclose this limitation.

In short, a comparison of claim 11 of the pending application with claim 10 of the '149 patent clearly demonstrates that the alleged conflicting claims are vastly different and patentably distinct. On page 5, lines 4 and 5, of the Action, the Examiner states that the "elimination of the stabilizing effect of the Cr layer [of claim 10 of the '149 patent] is an obvious variation." If the elimination of the stabilizing effect of the Cr layer of claim 10 of the '149 patent was the only distinction between claim 10 of the '149 patent and claim 11 of the pending application, then arguably the Examiner's position could be correct. However, the distinctions between the alleged conflicting claims of the '149 patent and of the pending application are many more as shown in the above table. For example, the conflicting claims of the '149 patent do not recite "depositing a Co

layer on the first Co-containing layer” and “wherein the Co layer and/or the Ru layer are deposited in a gas environment comprising a moiety selected from the group consisting of Xe, Kr and combinations thereof.” Thus, the alleged conflicting claims are vastly different and patentably distinct.

In light of this Amendment, a Notice of Allowance is respectfully solicited.

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **146712003410**.

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Respectfully submitted,

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